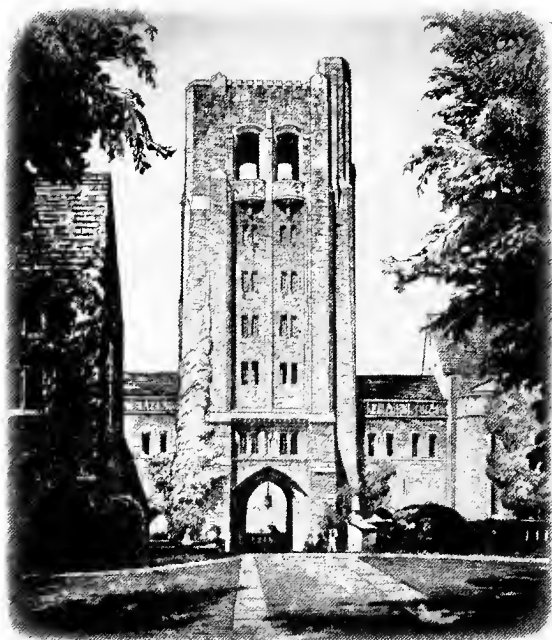


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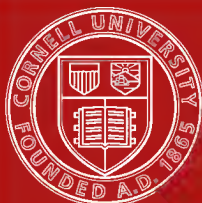
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SECOND  
REVISED DRAFT  
OF THE  
PROPOSED  
NEW CRIMINAL CODE  
OF  
JAPAN.

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TRANSLATED FROM THE ORIGINAL  
JAPANESE TEXT

BY

J. E. DE BECKER,  
SOLICITOR AND PUBLIC INTERPRETER.

AUTHOR OF "KELLY & WALSH'S HAND-BOOK OF THE JAPANESE  
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TRANSLATOR OF THE "JAPANESE CODE OF CRIMINAL PROCEDURE,"  
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DRAFT OF THE PROPOSED CRIMINAL CODE."

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1903.

LA 10782

Joseph Ernest de Becker



J. E. DE BECKER.

SOLICITOR.

—\*—

Telephone No. 840.)

No. 70, YAMASHITA-CHO,

*Yokohama,* August 11th, 1904.

The Dean,

Cornell University,

College of Law,

Ithaca, New York , U.S.A.

Sir,

Believing that the Faculty of your college would like to have copies of the latest drafts of proposed Japanese Codes, I have the honour to send by this post:—

(1) Draft of Criminal Code

(2) ,, ,, Code of Civil Procedure

both of which I have translated from the original Japanese text.

It may be of interest to your Faculty to know that I am an Englishman naturalized in Japan, and that to attain the technical skill necessary to enable me to do the work has been the labour of many years of hard application.

I am, Sir,

Yours obediently,

*J. E. de Becker.*







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*REVISED DRAFT OF THE PROPOSED NEW  
CRIMINAL CODE OF JAPAN.*

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TRANSLATED BY J. E. DE BECKER.

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BOOK I.—GENERAL PROVISIONS.

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CHAPTER I. - OF THE APPLICATION OF THE  
CRIMINAL CODE IN GENERAL.

Art. 1.—The law is applicable to all offences committed within the borders of the Empire irrespective of who the perpetrator may be.

The law is also applicable to offences committed on board Japanese ships without the borders of the Empire.

Art. 2.—The law is applicable to all offences contemplated in Arts 87 to 90, 92 to 94, 97 to 104, Art. 107. Par. 1 of Art. 172, Par. 1 of Art. 173, Arts 175, 179 to 182, 188, Pars 1 and 3 of Art. 189, and Arts 191 to 193, committed without the borders of the Empire irrespective of who the perpetrator may be.

Art. 3.—The law is applicable to Japanese subjects who have committed offences contemplated in Arts 128, Par. 1 of Art. 129, Arts 132, 134, 138, 140, 183, 186, 194, 205 to 207, 209, 234 to 236, 241, 242, 255, 256, 258, 259, 262 to 264, 267, 272, 273, 275 to 280, 286, 289 and Par. 2 of Art. 292, without the borders of the Empire.

The law is also applicable to foreigners who have committed offences mentioned in the preceding paragraph against Japanese subjects without the borders of the Empire.

Art. 4.—The law is applicable to members of the public services who have committed offences contemplated in Arts 120, 224, Par. 2 of Art. 226, Arts 227 to 229, Arts 231 and 232, without the borders of the Empire.

Art. 5.—Even though the case may have been adjudicated upon in a foreign country and a final judgment rendered in respect to same, this shall be no bar to the institution of proceedings and the infliction of punishment for the same act (in Japan). If, however, the offender has already undergone the punishment to which he was sentenced in a foreign country, or any portion thereof, the Court may remit the execution of the penalty either in whole or in part.

Art. 6.—If subsequent to the committal of an offence the punishment should be altered by (a new) law, the milder penalty (of the two laws) shall be applicable to such offence.

Art. 7.—The expression “Members of the public services” in this law includes government officials, public officials, representatives, committees and other faculties who are engaged in public affairs in accordance with laws and ordinances.

The expression “Public Offices” means places where members of the public services perform their functions.

Art. 8.—Except in such cases where special rules exist, the general provisions of this Criminal Code are also applicable to the penalties determined by other laws

## CHAPTER II.—OF PENALTIES.

Art. 9.—The principal penalties are death, penal servitude, imprisonment, fine, detention and police fine.

Deprivation of civic rights, police surveillance and confiscation are the accessory penalties.

Art. 10.—The degree of gravity of the principal penalties is in such order as mentioned in the preceding article, with the exception that perpetual imprisonment is more serious than limited

penal servitude, and that limited imprisonment is more serious than limited penal servitude when the maximum of the former penalty is longer than twice that of the latter penalty.

With regard to the same class of penalties, the one which in its maximum is of either a longer term or a greater amount shall be considered as more serious. If the maximum terms or amounts of the two cases are the same, the one which is of either a longer term or a greater amount in its minimum shall be considered as more serious.

With regard to two or more than two cases of death, or with regard to penalties of the same class whose maximum and minimum terms or amounts are the same, the degree of gravity shall be determined according to the circumstances of the infractions.

Art. 11.—The penalty of death shall be executed by hanging in the interior of a prison.

A person who has been sentenced to death shall be detained in a prison until he shall be executed.

Art. 12.—Penal servitude is either perpetual or limited; limited penal servitude shall extend over a period of not less than one month and not exceeding fifteen years.

Persons condemned to penal servitude shall be detained in a convict (penal servitude) establishment and subjected to forced labour determined by the regulations.

Art. 13.—Imprisonment is either perpetual or limited; limited imprisonment shall extend over a period of not less than one month and not exceeding fifteen years.

Persons condemned to imprisonment shall be detained in a prison (imprisonment establishment).

Art. 14.—In case commutation may be made, both penal servitude and imprisonment may be lowered to a term less than one month.

Art. 15.—Fines shall be more than twenty *yen*, but in the case of commutation, it may be loweeded to a sum less than twenty *yen*.

Art. 16.—Detention shall extend over a period of not less than one day and not exceeding one month, and the person detained shall be confined in a house of detention.

Art. 17.—Police fines shall be ten *sen* and upwards, but shall not exceed twenty *yen*.

Art. 18.—With regard to persons condemned to penal servitude or imprisonment for a term of less than three months, or to detention, the Court, may, according to the circumstances, cause them to pay a ransom of not less than one *yen* and not exceeding three hundred *yen* in lieu of the execution of the penalties.

Art. 19.—Persons who are unable to pay their fines in full shall be detained in prison (forced labour establishments) for a period of not less than one day and not exceeding one year.

When a person is unable to pay the whole of a police fine he shall be confined in prison (forced labour establishment) for a period of not less than one day and not exceeding one month.

Even in a case where (several) police fines have been inflicted at the same time, the term of detention shall not exceed two months.

The Court when pronouncing a sentence inflicting either a fine or police fine shall, at the same time, render a decree fixing the term of detention in lieu of such fine or police fine should payment not be made in full.

Detention may not, unless with the consent of the condemned, be enforced within one month in respect to fines and within ten days in respect to police fines from the time at which judgment has become irrevocable.

When persons who have been sentenced to a fine or police fine have paid a portion of the same, they shall be detained for the term specified in the judgment in lieu of fine or police fine, less such number of days as may correspond to the amount of money already paid, calculated in the proportion between the entire fine or police fine and the full period of (alternative) detention.

If during imprisonment the fine be paid, the payment shall be calculated for the remaining number of days in the proportion specified in the foregoing paragraph.

A sum of money less than the amount corresponding to one day's detention may not be paid.

Art. 20.—The deprivation of Civic rights entails on the condemned :—

1. Loss of the rights of election and being elected with regard to elections specified in Laws and Ordinances.
2. Loss of position as a member of the public services.
3. Incapacity of possessing decorations, allowances, pensions, gratuities, or diplomas of rank.
4. Prohibition of wearing foreign decorations.
5. Incapacity of being enrolled on the registers of the army and navy.

Art. 21.—Deprivation of Civic rights is either perpetual or limited. Deprivation of Civic rights for a limited term extends over period of not less than one and not exceeding fifteen years.

A sentence of deprivation of civic rights pronounceable simultaneously with a sentence of death, perpetual penal servitude, or perpetual imprisonment is perpetual as a natural consequence.

A sentence of deprivation of civic rights pronounceable simultaneously with a sentence of limited penal servitude or limited imprisonment for upwards of ten years is either perpetual or limited ; but if such penal servitude or imprisonment be limited to a period of less than ten years, the sentence of deprivation of civic rights pronounceable shall be less than ten years.

Persons who have been sentenced to deprivation (limited) of civic rights simultaneously with a sentence of limited penal servitude or limited imprisonment shall, as a natural consequence, be deprived of their civic rights from the day on which the judgement becomes irrevocable until the expiration of the term of penal servitude or

imprisonment, or until such time as the enforcement of the sentence be remitted.

Art. 22.—Police surveillance entails on the condemned :—

1. The police authorities of the place where the crime was committed, or those of the place where the injured party resides, may forbid the person under surveillance residing or entering either the whole or any part of the district under their jurisdiction.

2. Whenever it be necessary so to do they may make at any time a domiciliary search of the residence of the person under surveillance and seize (suspicious or incriminating) objects.

Art. 23.—The term of police surveillance shall not be less than six months nor exceed two years.

Art. 24.—Persons who have been sentenced to death, perpetual penal servitude, or perpetual imprisonment on account of an offence similar in nature to that of a case where police surveillance may be pronounced in addition to limited penal servitude or limited imprisonment, and have had the execution of the penalty remitted by pardon or prescription, or had the penalty reduced to a limited period of penal servitude or imprisonment, are to be regarded, as a matter of course, as sentenced to police surveillance for two years.

The same shall be applicable to a case where a person who has been sentenced to death or perpetual penal servitude or perpetual imprisonment with regard to combined offences, and had had the execution of the penalty remitted by pardon or prescription or had the penalty reduced to a limited period of penal servitude or imprisonment by commutation, if there be any offence among the combined offences relative to which police surveillance may be additionally pronounced.

Art. 25.—Articles the possession of which are forbidden by Laws and Ordinances shall be confiscated.

The following articles may be confiscated :—

1. Objects which have been used or which it was attempted to use in committing an offence ;
2. Objects originated from or acquired by means of an offence. Articles may be confiscated only if they are not the property of persons other than the offenders.

Art. 26.—In connection with an offence punishable only by detention or police fine, confiscation may not be enforced unless in virtue of a special provision of the law. The confiscation of objects mentioned in Par. 1 of the preceding article are however excepted from this rule.

### CHAPTER III.—OF THE CALCULATIONS OF TERMS.

Art. 27.—A term is calculated at the rate of 24 hours to a day and 30 days to a month, while the year is reckoned according to the almanac.

Art. 28.—The duration of penalties is reckoned from the day on which final judgment has been rendered.

The days during which the accused has not been imprisoned even after final judgment has been rendered are not reckoned for him in the duration of the penalties of penal servitude, imprisonment and detention.

The term of deprivation of (limited) civic rights and police surveillance, to which the accused has been sentenced simultaneously with a sentence of limited penal servitude or imprisonment, is calculated from the day following the day on which the period of such penal servitude or imprisonment expires, or its execution remitted.

The period of police surveillance over persons who have had the penalties of death, perpetual penal servitude, or perpetual imprisonment remitted is calculated from the day following the day on which such remission was granted ; and with regard to the period of police surveillance over persons who have had their sentences reduced from death, perpetual penal servitude, or perpetual imprisonment to limited penal servitude, or

limited imprisonment, the provisions of the preceding paragraph are applicable.

Art. 29.—The day on which the penalty has begun to be executed is reckoned as an entire day, whatever the number of the hours may have been. The same is applicable to the first day of the term of prescription.

Liberation is effected on the day following the last day of the duration of a penalty.

Art. 30.—The days during which the accused has been held in custody pending trial shall be included in the calculation of the duration of penalty according to the following distinctions. Should, however, such number of days be less than the equivalent of one day, or of one *yen* of the principal penalty, they shall not be taken into consideration :—

1. Seven days of custody for each day of penal servitude.
2. Four days of custody for each day of imprisonment or detention.
3. Three days of custody for each *yen* of fine or police fine, but even if the amount is less than a *yen* the same rule applies.

#### CHAPTER IV.—ON THE CONDITIONAL SUSPENSION AND REMISSION OF THE EXECUTION OF PENALTIES.

Art. 31.—In case the following persons have been sentenced to less than one year's imprisonment or less than six months penal servitude, the Court may, according to the circumstances of their respective cases, suspend (conditionally) the execution of the sentence during a period of time not less than two years and not exceeding five years from the day on which judgment has become conclusive :—

1. Persons who have never been condemned to imprisonment or graver penalties ;
2. Persons who while they have been punished by imprisonment or graver penalties, have not been again condemned to imprisonment or graver penalties during ten years from the day

on which the execution of the former penalty was either completed or remitted.

Art. 32.—The provisions of the preceding Article shall not be applied to persons who have been sentenced to deprivation of civic rights or additional police surveillance.

Art. 33.—A sentence (conditionally) suspending execution of the penalty shall be cancelled in the following cases :—

1. In case a further offence has been committed within the term of (conditional) suspension, and the offender has been sentenced to imprisonment or graver penalty ;

2. In case the offender has been sentenced to imprisonment or graver penalty relative to a certain other offence committed prior to the sentence (conditionally) suspending execution of penalty ;

3. In case (with the exception of persons mentioned in Paragraph No. 2 of Art. 31) it is discovered that the offender has been sentenced to imprisonment or a graver penalty relative to some other offence committed prior to the sentence (conditionally) suspending the execution of penalty.

Art. 34.—In case the term of the (conditional) suspension of executing the penalty has elapsed without the sentence being cancelled, such suspended penalty will be remitted (in full).

Art. 35.—In the case of persons who have been sentenced to penal servitude or imprisonment, should they show signs of reformation (have an appearance of amendment), a ticket-of-leave may be granted to them by an administrative measure after the lapse of one-third of the whole term of a limited penalty, or of ten years of a perpetual penalty.

Art. 36.—Release on ticket-of-leave may be cancelled in the following cases :—

1. When persons during the term of their liberation on a ticket-of-leave, have committed

a further offence and have been sentenced to fine or graver penalty ;

2. When the condemned has been sentenced to a fine or graver penalty in regard to another offence committed prior to his being released on ticket-of-leave ;

3. When persons who have been sentenced to a fine or graver penalty on account of other offences committed prior to their temporary liberation on ticket-of-leave are to undergo the execution of such penalty ;

4. In case of any infringement of the regulations relating to the control of persons liberated on ticket-of-leave. In case a release on ticket-of-leave has been cancelled, the number of days during which the condemned has been out of prison on such ticket-of-leave shall not be reckoned (for his benefit) in calculating the term of the penalty.

Art. 37.—Persons who have been sentenced to detention, may, at any time, according to the circumstances of the case, have such sentence remitted by an administrative measure. The same rule applies to the case of persons under detention in consequence of their inability to pay fines or police fines in full.

#### CHAPTER V.—PRESCRIPTION.

Art. 38.—Persons who have been sentenced to death, penal servitude, imprisonment, fine, detention, police fine, or confiscation, may have the execution of such sentence remitted by virtue of prescription.

Art. 39.—Prescription is acquired by condemned persons who have evaded the execution of their penalties during the following respective terms calculated from the day on which judgment has become irrevocable :—

1. 30 years for a capital penalty ;
2. 20 years for perpetual penal servitude or perpetual imprisonment ;
3. 15 years for limited penal servitude or

limited imprisonment of upwards of 10 years :  
10 years for limited penal servitude or limited  
imprisonment of upwards of 3 years : 5 years  
for limited penal servitude or limited imprisonment  
of less than 3 years ;

4. 3 years for fines ;

5. 1 year for detention, police fine, or confiscation.

Art. 40.—Prescription is not in progress within the term during which the execution of penalty has been (conditionally) suspended or stayed in accordance with Laws and Ordinances.

Art. 41.—Prescription is interrupted by the arrest of the condemned for the purpose of enforcing the execution of the penalty.

With regard to fine, police fine, or confiscation, prescription is interrupted by an act executing the penalty.

#### CHAPTER VI.—OF AMNESTY, PARDON, MITIGATION, AND REHABILITATION.

Art. 42.—Amnesty (*tokusha*) annuls the effect of any judgment that has been rendered.

Art. 43.—Amnesty remits the execution of the penalty, and mitigation (*genkei*) reduces it.

Art. 44.—Rehabilitation (*fuku ken*) restores civic rights for the future and implies the placing of the rehabilitated person beyond police surveillance as a natural consequence.

#### CHAPTER VII.—NON-CONSTITUENCY OF OFFENCES, AND LEGAL EXCUSES.

Art. 45.—Acts performed in accordance with the law, or in carrying on one's legal and proper business are not punishable.

If the act has exceeded the limits of necessity the penalty may be either lowered or remitted according to the circumstances of the case.

Art. 47.—The punishment of acts performed under the stress of acute necessity in order to save from immediate danger the life, person,

liberty, or property of one's self or another, shall, according to the circumstances of the case, either be reduced or remitted in full in cases where the injury occasioned by such acts is not graver than that which it was endeavoured to avoid ; but even if such injury be graver, the penalty may be lowered according to the circumstances of the case.

The rule mentioned in the preceding paragraph is not applicable to persons who have special duties appertaining to their business.

Art. 48.—There is exemption from penalty when the accused has not had the intention of committing an infraction, save in cases determined by special provisions of law.

Ignorance of the law cannot be invoked to establish absence of design, but the penalty may be lowered according to the circumstances of the case.

Art. 49.—Acts committed owing to insanity shall not be punished, but, according to the circumstances of the case, the perpetrators may be ordered to be placed under supervisory restraint. With regard to acts committed by weak-minded persons the penalty is to be reduced.

Art. 50.—Acts of deaf mutes will not be punished, or the punishment will be lowered ; but in the event of punishment not being inflicted they may, according to the circumstances of the case, be ordered to be placed under reformatory discipline for a term not exceeding ten years.

Art. 51.—The acts of infants under the age of fourteen years are not punishable, but when the act constitutes an offence punishable by a fine or graver penalty and the age of the infant exceeds eight years, he may, according to the circumstances of the case, be ordered to be placed under reformatory discipline for a term not exceeding ten years.

Art. 52.—Penalties may be lowered in the case of acts committed by persons over fourteen and under twenty years of age.

Art. 53.—Persons who have been placed either

under supervisory restraint or reformatory discipline may, at any time, according to the circumstances of the case, be exempted from execution by an administrative disposition.

Art. 54.—The penalty shall be lowered when the offender has denounced himself to the authorities prior to their obtaining official cognizance of the act.

The same is applicable if the offender denounces himself to the injured party in cases where the complaint of the injured party should be awaited before official action is taken.

#### CHAPTER VIII.—OF INFRACTIONS NOT CONSUMMATED.

Art. 55.—When the execution of an offence has been actually commenced, but has not been consummated, the penalty may be lowered. In case the execution of the offence has been abandoned by the person's own will, the penalty will either be reduced or remitted (in full).

Art. 56.—Cases where infractions not consummated are punishable are specified in the respective provisions for each particular offence.

#### CHAPTER IX.—OF CONCURRENT OFFENCES.

Art. 57.—Several infractions, in respect to which final judgment has not yet been rendered, shall be deemed concurrent offences.

Should final judgment have been rendered with regard to one infraction, then only that particular infraction, and the offence(s) committed prior to such final judgment having been rendered, shall be considered as concurrent offences.

Art. 58.—If among concurrent offences one is punishable by death, the penalties for the other offences (with the exception of deprivation of civic rights and confiscation) shall not be imposed.

If one of the offences is punishable by unlimited penal servitude, or unlimited imprisonment, in this case also the penalties for the other offences

(with the exception of deprivation of civic rights, fine, police fine, and confiscation) shall not be imposed.

Art. 59.—When there are upwards of two concurrent offences punishable by limited penal servitude or imprisonment, the maximum term shall be that of the penalty for the most serious of the offences increased by one-half. The maximum term shall not exceed the total accumulative term of all the various and several inflictible penalties added together.

Art. 60.—Fines and other penalties shall be concurrently imposed, except in the case provided for in the first paragraph of Art. 58.

When two or more than two fines are imposed, the cumulative amount of such fines shall be less than the total of all the fines imposable for each offence

Art. 61.—Even though there be no accessory penalty to the gravest of the concurrent offences, should there be some other accessory penalty to any of the offences it shall be inflicted, but without prejudice to the application of the provisions of Art. 58.

Should there be two or more than two concurrent instances of deprivation of civic rights, the longest of the terms shall be imposed ; if two or more than two instances of police surveillance, only one of them shall be imposed.

Confiscation shall be imposed concurrently.

Art. 62.—When among concurrent crimes one (or more) has been adjudicated upon, and the other not yet tried, the offence not yet adjudicated upon shall be further tried and decided.

Art. 63.—When two or more than two judgments have been rendered with reference to concurrent offences, the penalties shall be concurrently imposed and executed. But, when the death penalty should be executed, other penalties (with the exception of deprivation of civic rights and confiscation) shall not be enforced. When one of the offences is punishable by unlimited penal ser-

itude or imprisonment, other penalties (with the exception of deprivation of civic rights, fine, police fine, and confiscation) shall not be enforced. With regard to the enforcement of the penalties of limited penal servitude or imprisonment, the maximum term imposable in respect to the most serious crimes may not be augmented by more than half such maximum term.

As regards deprivation of civic rights and police surveillance the longest term shall be enforced.

Art. 64.—When a person has been dealt with in respect to concurrent offences and been pardoned with regard to one (or more) of them by reason of an amnesty, the penalty shall be specially determined with reference to the other offence (or offences) not included in such amnesty.

Art. 65.—Detention or police fine shall be imposed concurrently with other penalties, except in such cases as are provided in Article 58 (?).

Two or more than two instances of detention or police fine shall be imposed concurrently.

Art. 66.—In case an individual act is applicable to several particular offences, or an act which is a means of committing an offence or a result of such offence constitutes another particular offence, the most serious of the inflictible penalties shall be imposed.

The provisions of the third paragraph of Article 61 are applicable in the cases contemplated in the preceding paragraph.

Art. 67.—In cases where several successive acts all constitute the same offence, such consecutive acts shall be dealt with as forming one offence.

#### CHAPTER X.—OF THE REPETITION OF OFFENCES.

Art. 68.—When a person is sentenced to penal servitude and within ten years from the day on which the execution of the penalty ceased, or was remitted, he again commits another offence punishable by penal servitude, such offence shall be considered as a “repeated offence” (*sai-han*).

The same is applicable in cases where a person is sentenced to death owing to his committal of an offence similar in nature to one which is punishable by penal servitude, and within the term specified in the preceding paragraph, calculated from the day on which the execution of the penalty was remitted, or (in case the penalty was lowered on account of commutation) the execution of penal servitude was either completed or remitted, he again commits another offence punishable by penal servitude.

When a person has been sentenced with regard to concurrent offences among which there is an infraction punishable by penal servitude, he shall be deemed as condemned to penal servitude with reference to the application of the provisions *re* "repeated offences" even though such infraction may not constitute the most serious one of the concurrent offences.

Art. 69.—The penalty for "repeated offence" shall not exceed double the maximum term of penal servitude specified in respect to each such particular penalty.

Art. 70.—When, after final judgment has been given, it is discovered that the person is one who has committed a "repeated offence," the penalty to be augmented shall be determined in accordance with the provisions of the preceding article.

The provisions of the preceding article are not applicable to a person who has either undergone execution of penal servitude or has had the punishment remitted.

Art. 71.—The provisions *re* "repeated offence" are likewise applicable even in the case of persons who have committed infractions three times or more.

#### CHAPTER XI.—OF CO-OPERATION OF SEVERAL PERSONS IN THE SAME OFFENCE.

Art. 72.—When two or more persons have united in the commission of an offence they shall be regarded as principals.

Art. 73.—Persons who have instigated others in the commission of an offence shall be treated as principals.

The same is applicable in the case of persons who have instigated other instigators.

Art. 74.—Persons who have assisted principal offenders shall be regarded as accomplices.

Persons who have instigated accomplices shall be treated as accomplices.

Art. 75.—As regards the punishment of accomplices, the penalties imposable upon principals shall be inflicted in a mitigated form.

Art. 76.—In the case of an offence punishable only by detention or police fine, neither instigators nor accomplices are punishable except by virtue of a special provision of the law.

Art. 77.—When persons have been participators in an act which constitutes an offence by reason of the social status of the principal offender, they shall be regarded as joint offenders, even although their relative social positions may not be identical.

When the severity of a penalty is specially determined according to the social status or rank of the offender, the ordinary penalty shall be inflicted on the person not occupying a position similar to that of the principal.

## CHAPTER XII.—OF EXTENUATING CIRCUMSTANCES.

Art. 78.—When extenuating circumstances exist in favour of an offender, the Court may consider the same and reduce the penalty accordingly.

Art. 79.—Even in cases where the (text of the) law governs and determines the raising or lowering of penalties, the Court may (go a step further and) take extenuating circumstances into consideration and reduce the penalty.

CHAPTER XII.—OF THE AGGRAVATION AND  
COMMUTATION OF PENALTIES.

Art. 80.—When there exists one or more legal causes for mitigating penalties, such penalties shall be lowered as follows :—

1. When the punishment of death is to be mitigated it shall be commuted to penal servitude or imprisonment either perpetual or for a period of not less than 5 years ;

2. When the punishment of perpetual penal servitude or imprisonment is to be mitigated, it shall be commuted either to penal servitude or imprisonment for a period of not less than 3 years ;

3. When either limited penal servitude or limited imprisonment is to be mitigated, one-half of the term of the penalty shall be reduced ;

4. When the punishment of fine is to be mitigated, one half of the amount of the fine shall be reduced ;

5. When detention is to be mitigated, one-half of the maximum term of the detention shall be reduced ;

6. When police fine is to be mitigated, one-half of the maximum amount of the fine shall be reduced.

Art. 81.—In the case of mitigating penalties according to the law, if there are two or more than two descriptions of penalties, the particular penalty to be inflicted shall be first determined upon and it shall then be lowered.

Art. 82.—In reducing the punishment of penal servitude, imprisonment or detention, if there remains any fraction of a day, such remainder shall be cut off.

In mitigating the punishment of fine or police fine, if there remains any fraction of one *sen*, the same rule shall be applied.

Art. 83.—When penalties should be mitigated in consideration of extenuating circumstances, they shall be lowered in accordance with the precedents mentioned in Article 80.

Art. 84.—No accessory penalties shall be increased nor mitigated.

Art. 85.—When there exist simultaneously causes in aggravation and extenuation of the penalty, these causes are to be considered in the following order :—

1. Aggravation of penalty on account of the repetition of the offence ;
2. Legal mitigation ;
3. Aggravation of penalty on account of concurrence of offences ;
4. Extenuating circumstances.

Art. 86.—Limited penal servitude and imprisonment cannot be augmented so as to exceed a period of twenty years.

## BOOK II.—OFFENCES.

### CHAPTER I.—OF OFFENCES AGAINST THE PERSONS OF THE EMPEROR, AND MEMBERS OF THE IMPERIAL FAMILY.

Art. 87.—Execution or contrivance of acts of violence against the person of the Emperor, the Emperor's Grandmother, the Empress Dowager, the Empress, the Crown Prince, or the heir presumptive shall be punished with death.

Art. 88.—Acts of an insulting and disrespectful nature committed against the Emperor, the Emperor's Grandmother, the Empress Dowager, the Empress, the Crown Prince, or the heir presumptive shall be punished with penal servitude for a period not exceeding seven years.

The same law applies in the case of insulting and disrespectful acts committed against the Imperial Mausolea.

Art. 89.—Execution of acts of violence against the persons of the members of the Imperial family shall be punished with death : attempts to commit such acts shall be punished with perpetual penal servitude.

Art. 90.—Acts of an insulting and disrespectful nature committed against members of the Imperial family shall be punished with penal servitude not exceeding four years.

Art. 91.—Persons who have committed offences mentioned in this chapter may be deprived of civic rights.

Persons who have committed offences mentioned in this chapter and who are therefore punishable with limited penal servitude, may also be placed under police surveillance.

## CHAPTER II.—OF OFFENCES AGAINST THE INTERNAL SAFETY OF THE STATE.

Art. 92.—Persons who have committed seditious acts of violence with the object of seizing the territories of the state, or subverting the government and laws of the Empire, shall be considered guilty of perpetrating offences against the internal safety of the state and be punished according to the following distinctions:—

1. With death or perpetual imprisonment, those who have been the ringleaders ;

2. With perpetual imprisonment, or imprisonment for not less than five years, those who have participated in the conspiracy or held a command in the insurrectionary body. Persons who have been engaged in the sedition in various other official capacities shall be punished with imprisonment for a period not exceeding ten years :

3. With imprisonment for a period not exceeding five years, persons who have been mere participators in the outbreak in the capacity of ordinary followers.

In the case of offences specified in the preceding paragraphs (with the exception of those mentioned in No. 3) infractions not consummated are also punishable.

Art. 93.—Persons who have conspired to raise an insurrection and made preparations to commit violent and seditious acts, shall be punished with

imprisonment for a period not exceeding ten years.

Art. 94.—Persons who have aided and assisted the commission of offences mentioned in the preceding two articles by furnishing arms and munitions of war, monies, and provisions, or by any other acts whatsoever, shall be punished with imprisonment for a period not exceeding seven years.

Art. 95.—Persons who have committed offences mentioned in this chapter may be sentenced to deprivation of civic rights.

Art. 96.—Persons who, although having committed offences mentioned in Articles 93 and 94, have voluntarily denounced themselves to the authorities before the outbreak of the insurrectionary movement shall be exempted from punishment.

### CHAPTER III.—OF OFFENCES AGAINST THE EXTERNAL SAFETY OF THE STATE.

Art. 97.—Persons who have conspired with any foreign power and caused the said power to commence hostilities against the Empire, or who have joined alien enemies in fighting against the Empire, shall be punished with death.

Art. 98.—Persons who have delivered to the enemy any castle, fortress, camp, body of troops, vessels of war or other ships, or grounds and buildings devoted to military purposes, shall be punished with death.

Persons who have delivered to the enemy arms and munitions of war, or otherwise supplied objects used for military purposes, shall be punished with death or perpetual penal servitude.

Art. 99.—Persons who for the purpose of aiding the enemy, have damaged or rendered unfit for use, any castle, fortress, camp, vessels of war or other ships, arms, munitions of war, steam-cars, electric-cars, railroads, telegraph lines, or grounds and buildings devoted to military purposes, shall be punished with death or perpetual penal servitude.

Art. 100.—Persons who have delivered to the enemy arms and munitions of war not devoted to the military purposes of the Empire, or any other objects which can be directly employed in naval or military operations, shall be punished with perpetual penal servitude, or penal servitude for a period of not less than five years.

Art. 101.—Persons who have acted as spies for the enemy, or assisted the enemy's spies, shall be punished with death, perpetual penal servitude, or penal servitude for a period of not less than seven years.

The same law is applicable to persons who have divulged military secrets to the enemy.

Art. 102.—Persons who have by the use of methods other than those mentioned in the preceding five articles, aided the enemy in military matters or injured the military interests of the Empire shall be punished with limited servitude for a period of not less than three years.

Art. 103.—The offences mentioned in the foregoing six articles are punishable even when not consummated.

Art. 104.—Persons who have made preparations and intrigued with the intention of committing the offences mentioned in Articles 97 to 102, shall be punished with penal servitude for a period not exceeding ten years.

Art. 105.—Persons who have been guilty of the offences mentioned in this chapter may be sentenced to deprivation of civic rights.

Persons who have been guilty of the offences mentioned in this chapter, and who are therefore punishable with limited penal servitude, may be placed under police surveillance.

Art. 106.—The provisions of this chapter are only applicable to aliens when offences are committed within the Japanese Empire, on board Japanese men-of-war and other ships or within a foreign territory occupied by Japan.

The provisions of the foregoing paragraph shall not interfere with persons being dealt with

in accordance with the rules, customs and usages prevailing in time of war.

Art. 107.—The provisions of this chapter are also applicable to acts committed against an ally of the Empire in time of war.

#### CHAPTER IV.—OF OFFENCES AGAINST NATIONAL INTERCOURSE.

Art. 108.—Persons who have committed acts of violence or made threats against the Sovereign or President of a Foreign Power sojourning in the Empire, shall be punished with penal servitude for a period not exceeding ten years.

Persons who have committed acts of insult against the Sovereign or President of a Foreign Power sojourning in the Empire, are punishable with penal servitude for a period not exceeding three years, but the prosecution shall only take place on the complaint of the foreign government concerned.

Art. 109.—Persons who have committed acts of violence or made threats against an ambassador of a Foreign Power accredited to the Japanese Empire, shall be punished with penal servitude for a period not exceeding three years.

Persons who have committed acts of an insulting nature against an ambassador of a Foreign Power accredited to the Japanese Empire, shall be punished with penal servitude for a period not exceeding one year, but the prosecution shall only take place on the complaint of the injured party.

Art. 110.—Persons who have damaged, soiled, or removed the national flag or other national emblem of any Foreign Power with the object of insulting such Foreign Power, shall be punished either with penal servitude for a period not exceeding two years or a fine not exceeding two hundred *yen*; the prosecution, however, shall only take place on the complaint of the foreign government concerned.

Art. 111.—Persons who have made preparations

or intrigued with the object of waging private war against a Foreign Power, shall be punished with imprisonment for a period not exceeding five years, but in case of their voluntarily denouncing themselves to the authorities the penalty will be remitted.

Art. 112.—Persons who have violated decrees relating to neutrality when foreign nations are at war shall be punished with imprisonment for a period not exceeding three years or a fine not exceeding five hundred *yen*.

#### CHAPTER V.—OF INTERFERENCE WITH THE EXERCISE OF PUBLIC FUNCTIONS.

Art. 113.—Persons who have committed acts of (personal) violence against, or intimidated members of the public services in the performance of their duties, shall be punished with penal servitude or imprisonment for a period not exceeding three years.

The same shall be applied to persons who have committed acts of (personal) violence against, or intimidated members of the public services with the object of causing them to take some official action or to resign their official posts.

Art. 114.—Persons who have insulted members of the public services in the performance of their duties and in their presence, or insulted them, in their official capacity (although not in their actual presence) by means of writings, pictures, and images publicly exhibited, or by public theatrical representations, songs, or public discourses, shall be punished with penal servitude or imprisonment for a period not exceeding one year or with the imposition of a fine not exceeding one hundred *yen*.

Persons who have insulted offices of the public services by means of writings, pictures, or images publicly exhibited, or by public theatrical representations, songs, or public discourses, shall be punished in like manner.

Art. 115.—Persons who have rendered seals or

marks, indicative of attachment, affixed by members of the public services, null and void by damaging such seals or marks, or any other means, shall be punished with penal servitude for a period not exceeding two years or with the imposition of a fine not exceeding three hundred *yen*.

#### CHAPTER VI.—OF THE ESCAPE OF PRISONERS.

Art. 116.—Every prisoner, whether convicted or unconvicted, who shall have escaped, shall be punished with penal servitude for a period not exceeding one year.

Art. 117.—If persons who have been detained or imprisoned in accordance with laws or ordinances shall have escaped by means of damaging or breaking the prison or its furniture and fittings, by acts of violence, or intimidation by menace of injury, or if upwards of two prisoners secretly working in concert have escaped, the offender or offenders shall be punished with penal servitude for a period not exceeding five years.

Art. 118.—Every individual who shall have unlawfully taken away prisoners detained or imprisoned in accordance with laws and ordinances shall be punished with penal servitude not exceeding seven years.

Art. 119.—Persons who shall have supplied tools to a prisoner detained or imprisoned in accordance with laws and ordinances, with the object of enabling him to escape, or in any other way assisted his escape, shall be punished with penal servitude for a period not exceeding three years.

Persons who shall have committed acts of violence or intimidation, with the same object as mentioned in the preceding paragraph shall be punished with penal servitude for a period not exceeding seven years.

Art. 120.—Gaolers and guards who have (wittingly?) allowed prisoners detained or imprisoned in accordance with laws and ordinances to escape, shall be punished with penal servitude

for a period of more than one year and not exceeding ten years.

Art. 121.—The offences mentioned in this chapter are punishable even when not consummated.

#### CHAPTER VII.—OF THE CONCEALMENT OF OFFENDERS AND THE SUPPRESSION AND DESTRUCTION OF PROOF OF GUILT.

Art. 122.—Persons who have harboured or concealed, or have assisted the flight of an escaped prisoner, or an offender who has committed an act rendering himself liable to be criminally punished by a penalty graver than fine, shall be punished with penal servitude for a period not exceeding three years or a fine not exceeding three hundred *yen*.

Art. 123.—Persons who have suppressed, destroyed, forged, or fraudulently altered (documentary) evidence relating to a case in which another party is a defendant in a criminal trial, or persons who have employed any forged or fraudulently altered evidence, shall be punished with penal servitude for a period not exceeding two years or a fine not exceeding two hundred *yen*.

Art. 124.—No offences mentioned in this chapter are punishable when they are committed by relatives of an accused person or an escaped prisoner for the benefit of such accused person or escaped prisoner.

#### CHAPTER III —OF UNLAWFUL ASSEMBLY.

Art. 125.—No matter what their object may be, persons who have assembled together in large numbers, and, in order to execute their common purpose, have acted in a violent and turbulent manner or been guilty of intimidation by menace of injury, shall be dealt with as follows :—

1. Ringleaders shall be punished with penal servitude or imprisonment for a period of more than two years and not exceeding ten years.

2. Persons who have led or directed others and forwarded the aforesaid acts shall be punished with penal servitude or imprisonment for a period of more than one year and not exceeding seven years.

3. Those who have simply participated in these acts shall be punished with a fine not exceeding fifty *yen*.

Art. 126.—Persons who have assembled together in large numbers, with the intention of executing their common purpose by means of violence and intimidation, and have refused to disperse although required by a government or public officer so to do, shall be punished, if ring-leaders, with penal servitude or imprisonment for a period not exceeding three years, and others with a fine not exceeding fifty *yen*.

Art. 127.—Persons who have committed any of the offences mentioned in this chapter and are consequently punishable with penal servitude or imprisonment, may also be sentenced to deprivation of civic rights.

#### CHAPTER IX.—OF ARSON AND ACCIDENTAL CONFLAGRATION.

Art. 128.—Whosoever shall have set fire to buildings actually used as dwelling houses, or to buildings, steam-cars, electric cars, boats, or mines actually containing persons and have destroyed them, shall be punished with death, perpetual penal servitude, or penal servitude for a period of not less than seven years.

Art. 129.—Whosoever shall have set fire to buildings not actually used as dwelling houses, or to boats or mines not actually containing persons and destroyed them, shall be punished with penal servitude for a period of not less than three years.

In case the objects mentioned in the preceding paragraph be the offender's own property, he shall be punished with penal servitude for a period not exceeding five years.

Art. 130.—Persons who shall have set fire

to and destroyed objects other than those mentioned in the preceding two articles and consequently have caused a danger of a common (public) peril to arise therefrom, shall be punished with penal servitude for a period not less than one year and not exceeding ten years.

In case the objects mentioned in the preceding paragraph are the properties of the incendiary himself, the offender shall be punished with penal servitude not exceeding one year or a fine not exceeding one hundred *yen*.

Art. 131.—In the commission of offences mentioned in Par. 2 of Article 129, or Par. 2 of the preceding article, should the fire have spread to and burned any of the objects mentioned in Article 128, or Par. 1 of Article 129, the offender shall be punished with penal servitude not exceeding seven years.

In the commission of offences mentioned in Par. 2 of the preceding article, should the fire have spread to and burned any of the objects mentioned in Par. 1 of the preceding article, the offender shall be punished with penal servitude for a period not exceeding three years.

Art. 132.—The offences mentioned in Articles 128 and 129 shall be punished even if not actually consummated.

Art. 133.—Persons who have made preparations with the intention of committing offences mentioned in Article 128 or paragraph 1 of Article 129 shall be punished with penal servitude for a period not exceeding one year. The penalty may, however, be remitted, according to the circumstances of the case, and the offender may be placed under police surveillance.

Art. 134.—When a person has set fire to any of the objects mentioned in Par. 1 of Article 129 and Par. 1 of Article 130, and such objects happen to be under attachment, right in rem, leased or insured, he shall be punished just as if he had set fire to and burned another person's property, even although they may actually be the property of the offender himself.

Art. 135.—Persons who have, at the time of a fire, hidden, damaged, or destroyed apparatus used in extinguishing fires, or by any other means obstructed the stamping out of a conflagration, shall be punished with penal servitude for a period of more than one year and not exceeding ten years.

Art. 136.—Persons who have committed the offences mentioned in the preceding eight articles and are punishable with death or penal servitude may be sentenced to deprivation of civic rights.

Persons who have committed the offences mentioned in the preceding eight articles and are punishable with limited penal servitude may be placed under police surveillance.

Art. 137.—Persons who have by fault or negligence accidentally burnt any of the objects mentioned in Arts. 128 to 130 and Article 134 shall be punished with a fine not exceeding three hundred *yen*.

Art. 138.—Persons who have caused an explosion of gunpowder, steam-boilers, or of any other explosive things or substances and thereby damaged or destroyed any of the objects mentioned in Articles 128 to 130 and Article 134, shall be punished in accordance with the precedents as guilty of either arson or of causing an accidental fire.

Art. 139.—Persons who have caused gas, electricity or steam to leak out, thereby caused danger to life, person, or property, shall be sentenced to penal servitude for a period not exceeding three years, or be punished with a fine not exceeding one hundred *yen*.

Persons who have caused gas, electricity, or steam to leak out and thereby either killed or wounded any person, shall be punished by the graver penalty to be imposed upon comparison with crimes of killing or wounding.

#### CHAPTER X.—OF OFFENCES RELATIVE TO INUNDATIONS AND WATER-UTILITY.

Art. 140.—Whosoever shall have caused an in-

undation and thus caused damage to buildings actually inhabited and used as dwelling houses, or to buildings, steam-cars, electric cars, or mines actually containing persons, shall be punished with perpetual penal servitude or limited penal servitude for a period of not less than five years. In case death is caused thereby, the offender may be punished with the capital penalty.

Art. 141.—Whosoever shall have caused an inundation, and thus damaged any objects other than those mentioned in the preceding article shall be punished with penal servitude for a period exceeding one year and not exceeding ten years.

In case where the damaged objects are the offender's own property, he shall be punished with the same penalty mentioned in the preceding paragraph only when the objects are under attachment, right in rem, hypothecated, borrowed or insured.

Art. 142.—Persons who have concealed, broken or destroyed, any objects used to dam out water in time of flood, or by any other means obstructed the damming out of the waters, shall be punished with penal servitude for a period not less than one year and not exceeding ten years.

Art. 143.—Persons who have committed the offences mentioned in the preceding three articles may be additionally sentenced to deprivation of civic rights.

Persons who have committed offences mentioned in the preceding three articles and consequently are punishable with limited penal servitude may be additionally placed under police surveillance.

Art. 144.—Persons who by fault or negligence accidentally caused flooding of any of the objects mentioned in Article 140 or 141, shall be punished with a fine not exceeding three hundred *yen*.

Art. 145.—Whosoever shall have destroyed sluices or broken embankments of a river or stream, or otherwise done anything to injure water-utility, or done anything calculated to cause an inundation, shall be punished with penal

servitude for a period not exceeding three years or a fine not exceeding five hundred *yen*.

# CHAPTER XI.—OF THE DESTRUCTION OF AND DAMAGE TO MEANS OF COMMUNICATION.

Art. 146.—Those who shall have destroyed or damaged a public road or water-way, or obstructed the traffic thereon, shall be punished with penal servitude for a period not exceeding three years or a fine not exceeding two hundred *yen*.

If in the cases foreseen in the preceding article there has resulted death or wounds; comparison shall be made with the offences of “wounding and (grievous) bodily harm” and the offender shall be punished according to the seriousness of the case.

Art. 147.—They shall be punished with limited penal servitude for a period not exceeding three years who have, by damaging the track or the signals of a railway, or, by any means whatsoever, exposed steam or electric cars to danger during transit over the lines.

The penalty imposed shall also be applicable to those who have exposed ships to danger by destroying or damaging lighthouses or buoys, or by any other means.

Art. 148.—Persons who have upset or damaged steam or electric cars actually containing persons shall be punished with penal servitude for life or for a period of not less than five years.

The penalty for causing shipwreck or damage to a ship actually containing persons is the same.

Persons who have committed offences mentioned in the preceding two articles and thereby caused death, shall be punished with the capital penalty or perpetual penal servitude.

Art. 149.—The punishment of persons who have committed the offences mentioned in Article 147 and thereby overturned or injured any steam or electric cars, or wrecked or destroyed vessels,

shall be the same as that specified in the preceding article.

Art. 150.—Even when the offences mentioned in Paragraph 1 of Article 146, Article 147 and paragraphs 1 and 2 of Article 148 are not actually consummated, the attempt to commit them shall be punished.

Art. 151.—When the acts mentioned in Article 147 or paragraphs 1 and 2 of Article 148 have resulted from negligence the punishment shall be a fine not exceeding three hundred *yen*.

When persons who have committed the offences mentioned in the preceding paragraph are engaged in the business concerned, they shall be punished with imprisonment for a period not exceeding three years or by the imposition of a fine not exceeding five hundred *yen*.

## CHAPTER XII.—OF THE VIOLATION OF DOMICILE, BURGLARY AND HOUSEBREAKING.

Art. 152.—Whosoever, without cause, shall have invaded an inhabited or protected house, building, or ship, and not retired when requested so to do, shall be punished with penal servitude for a period not exceeding three years or a fine not exceeding fifty *yen*.

Art. 153.—Persons who have, without cause, invaded the Imperial palaces or gardens attached thereto, Imperial detached palaces, or a temporary Imperial sojourning place, shall be punished with penal servitude for a period not exceeding five years.

The same holds good with regard to persons who shall have invaded an Imperial sepulchre.

Art. 154.—The offences mentioned in this chapter are punishable even if not actually consummated.

Art. 155.—Persons who have committed offences mentioned in this chapter, and consequently are punishable with penal servitude, may also be placed under police surveillance.

CHAPTER XIII.—OF THE BETRAYAL AND  
REVELATION OF SECRETS.

Art. 156.—Whosoever shall have unlawfully opened, secreted, damaged or destroyed any personal letters which are sealed, shall be punished with penal servitude for a period not exceeding one year or a fine not exceeding two hundred *yen*.

Art. 157.—In case doctors, apothecaries, druggists, midwives, barristers, advocates, and public notaries, or those who have been formerly engaged in these occupations, being possessors of secrets entrusted to them or coming to their knowledge by reason of their position or profession, have disclosed the same, they shall be punished either with penal servitude for a period not exceeding six months, or a fine not exceeding one hundred *yen*.

The same punishment shall be imposed on persons who were or are engaged in religious occupations when they have disclosed any secrets coming to their knowledge on account of being entrusted to them in connection with their professional work.

Art. 158.—The prosecution for offences mentioned in this chapter shall only take place on the complaint of the injured party.

CHAPTER XIV.—OF OFFENCES RELATING TO  
OPIUM.

Art. 159.—Whosoever shall have imported, manufactured, or sold opium or have held opium with the object of selling same, shall be punished with penal servitude for a period not exceeding seven years.

Art. 160.—Whosoever shall have imported, manufactured or sold instruments or apparatus suitable for the smoking of opium or have held same with the object of selling them, shall be punished with penal servitude for a period not exceeding five years.

Art. 161.—Customs officials who shall have

permitted the import of opium, or of instruments or apparatus suitable for the smoking of opium, shall be punished with penal servitude for a period exceeding two years and not exceeding ten years.

Art. 162.—Every individual who shall have smoked opium shall be punished with penal servitude for a period not exceeding three years.

Art. 163.—Every person who shall be found possessor or depository of opium intended to be smoked, or of instruments suitable for its smoking, shall be punished with penal servitude for a period not exceeding one year.

Art. 164.—Offences mentioned in this chapter are punishable even if they are not actually consummated.

Art. 165.—Persons who have committed any of the offences mentioned in this chapter may be placed under police surveillance.

#### CHAPTER XV.—OF OFFENCES RELATIVE TO DRINKING WATER.

Art. 166.—Whosoever shall have polluted drinkable waters, in such a manner as to render the use of them impossible, shall be punished with penal servitude for a period not exceeding six months or a fine not exceeding fifty *yen*.

Art. 167.—Whosoever shall have polluted drinkable water supplied to the public by means of water-works, or polluted the source of such water supply in a manner to render its use impossible, shall be punished with penal servitude for a period not exceeding five years.

Art. 168.—Whosoever shall have poisoned drinkable waters, or polluted them with other substances injurious to health, shall be punished with penal servitude for a period not exceeding three years.

Art. 169.—Persons who shall have committed any of the offences mentioned in the preceding three articles, and thereby caused death or wounds shall be punished with the graver penalty upon

comparison with the offences of " Wounding and (grievous) bodily harm."

Art. 170.—Whosoever shall have poisoned or polluted drinkable waters supplied to the public by means of water-works, or poisoned or polluted the source of such waters with substances injurious to health, shall be punished with limited penal servitude for a period exceeding three years: if death has resulted from the aforesaid poisoning or pollution, the offender shall be punished with either death, perpetual penal servitude, or penal servitude for a period of not less than seven years.

Art. 171.—Whosoever shall have damaged or obstructed water-mains, pipes, or aqueducts, by means of which supplies of drinking-water are furnished to the public, shall be punished with penal servitude for a period exceeding one year and not exceeding ten years.

#### CHAPTER XVI.—OF OFFENCES RELATIVE TO COUNTERFEITING MONEY.

Art. 172.—Whosoever shall have counterfeited or altered current coins or paper money of the realm, or bank-notes, with intent to utter the same, shall be punished with penal servitude for life or for a period of upwards of five years.

Whosoever shall have counterfeited or altered foreign coins, paper money, or bank-notes circulating in Japan shall be punished with limited penal servitude for a period of upwards of three years.

Art. 173.—He who shall have counterfeited or altered coins, paper money or bank-notes shall be punished with the same penalty mentioned in the preceding article.

The same shall be applied to persons who have imported into Japan any counterfeited or altered coins, paper money or bank notes with intent to utter same.

Art. 174.—Whosoever shall have received with intent to utter, counterfeited or altered coins, paper monies, or bank notes shall be punished with penal servitude for a period not exceeding three years.

Art. 175.—The attempt to commit the offences mentioned in the three foregoing articles is punishable under the heading of “infractions not consummated.”

Art. 176.—Whosoever shall have received coins, paper monies, or bank-notes and knowingly uttered the same after obtaining knowledge of the fact that they were counterfeited or altered, shall be fined in a sum not exceeding treble the nominal value of the monies so uttered ; but the fine shall in no case be less than one *yen*.

Art. 177.—Persons who shall have prepared and provided tools, instruments, or materials, for the purpose of counterfeiting or altering coins, paper monies or bank-notes, shall be punished with penal servitude for a period not exceeding five years.

Art. 178.—Persons who have committed the offences mentioned in this chapter, and who are punishable with penal servitude, may be sentenced to deprivation of civic rights.

Those who have committed the offences mentioned in this chapter and who are punishable with limited penal servitude, may be placed under police surveillance.

#### CHAPTER XVII.—OF THE FORGERY OF INSTRUMENTS.

Art. 179.—Whosoever shall have, with intent to utter same, fraudulently used a counterfeit of the Imperial Privy seal, a counterfeit of the Great Seal of the Empire, or a counterfeit of the Imperial Sign Manual, or shall have improperly used the Privy Seal, Great Seal, or Sign Manual and forged Imperial or other documents, shall be punished either with perpetual penal servitude or with penal servitude for a period of not less than five years.

Whosoever shall have fraudulently altered an Imperial or other document to which is attached the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be

punished in the same manner (as provided in the foregoing paragraph).

Art. 180.—Whosoever shall have, with intent to utter same, fraudulently used a counterfeit of the seals or signatures of the offices or members of the public services, or improperly used seals or signatures of the offices or members of the public services and thereby forged instruments, maps or drawings which are to be made by offices or members of the public services, shall be punished with penal servitude for a period of more than two years and not exceeding ten years.

The same penalty shall be imposed upon whosoever shall have fraudulently altered instruments, maps or drawings to which are attached the seals or signatures of offices or of members of the public services.

Apart from the cases contemplated in the foregoing two paragraphs, whosoever shall have forged instruments, maps or drawings which should be drawn up by offices or members of the public services, or shall have fraudulently altered instruments, maps or drawings which have been drawn up by offices or members of the public services, shall be punished either with penal servitude for a period not exceeding three years or a fine of not exceeding three hundred *yen*.

Art. 181.—Every member of the public services who, relative to his function, shall have, with intent to utter same fabricated fraudulent documents, maps or drawings or fraudulently altered documents, maps or drawings, shall be punished in accordance with the provisions of the two preceding articles, cognizance being taken as to whether the seals and signatures exist or otherwise.

Art. 182.—Whosoever shall have uttered documents, maps or drawings mentioned in the three preceding articles shall be punished in the same manner as he who has forged or altered such documents, maps or drawings, or fabricated fraudulent documents, maps or drawings.

Attempts to commit the offences mentioned in

the preceding paragraph are punishable under the heading of "infractions not consummated."

Art. 183.—Whosoever shall have, with intent to utter the same, fraudulently used the seal or signature of another person and fabricated documents, maps or drawings relative to rights and obligations or to certificates of facts; or shall have used a counterfeited seal or a forged signature of another person and forged documents, maps or drawings relative to rights and obligations or to certificates of facts, shall be punished with penal servitude for a period not exceeding five years.

The same penalty shall be imposed upon whosoever shall have fraudulently altered documents, maps or drawings relative to rights and obligations or to certificate of facts, to which is attached the seal or signature of another person.

Art. 184.—Whosoever shall have, by means of practising deceit upon members of the public services, caused false entries to be made in census registers, registration books, or in the original of any notarially recorded deeds relating to rights and obligations, shall be punished with penal servitude for a period not exceeding two years, or with a fine of not exceeding one hundred *yen*.

Whosoever shall have, by means of practising deceit upon members of public services, caused false entries to be made in diplomas, permits, or passports, shall be punished with penal servitude for a period not exceeding six months, or a fine not exceeding fifty *yen*.

Attempts to commit the offences mentioned in the preceding two paragraphs are punishable under the heading of "infractions not consummated."

Art. 185.—A doctor who shall have made false statements in medical certificates or certificates of death which are to be handed in to offices of the public services shall be punished with penal servitude for a period not exceeding three years, or a fine not exceeding one hundred *yen*.

Art. 186.—Whosoever shall have uttered documents, maps or drawings mentioned in the preceding three articles shall be punished in the same manner as he who has forged or fraudulently altered same, or caused false or fraudulent entries to be made in the same.

Attempts to commit the offences mentioned in the paragraph are punishable under the heading of “infractions not consummated.”

Art. 187.—Persons who have committed offences mentioned in this chapter, and who in consequence are punishable with penal servitude, may be deprived of their civil rights.

Persons who have committed offences mentioned in this chapter, and who are consequently punishable with limited penal servitude, may be placed under police surveillance.

#### CHAPTER XVIII.—OF THE FORGERY OF VALUABLE SECURITIES.

Art. 188.—Whosoever shall have, with intent to utter the same, forged or fraudulently altered Government bonds, Share certificates of Companies or any other instruments of valuable securities, shall be punished with penal servitude for a period of not less than two years and not exceeding ten years.

Persons who have made false or fraudulent entries in any of the instruments of valuable securities mentioned in the preceding paragraph shall be punished with the same penalty.

Art. 189.—Whosoever shall have uttered any forged or fraudulently altered instruments of valuable securities, or any other instruments of valuable securities in which false or fraudulent statements have been made, shall be punished with penal servitude for a period of not less than two years and not exceeding ten years.

Persons who shall have, with intent to utter the same, imported any forged or fraudulently altered instruments of valuable securities or any other instruments of valuable securities in which false

or fraudulent statements have been made shall be dealt with in the same manner.

Attempts to commit the offences mentioned in the preceding two paragraphs are punishable under the heading of "infractions not consummated."

Art. 190. — Persons who have committed offences mentioned in this chapter, may be also sentenced to deprivation of civic rights and to police surveillance.

#### CHAPTER XIX.—OF THE FORGERY OF SEALS.

Art. 191.—Whosoever shall have, with intent to use the same, fraudulently counterfeited the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be punished with limited penal servitude for a period of not less than three years.

Whosoever shall have improperly used the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, or used a counterfeit of the Imperial Privy Seal, the Great Seal of the Empire, or the Imperial Sign Manual, shall be punished in the same manner (as provided in the foregoing paragraph).

Art. 192.—Whosoever shall have, with intent to use the same, fraudulently counterfeited the seals or signatures of offices or members of the public services, shall be punished with penal servitude for a period not exceeding five years.

The same penalty shall be imposed upon whosoever shall have made improper use of the seals or signatures of the offices or members of the public services, or used a counterfeit of the seals or signatures of the offices or members of the public services.

Art. 193.—Whosoever shall have, with intent to use the same, fraudulently counterfeited the official mark of an office of the public services, shall be punished with penal servitude for a period not exceeding three years.

The same penalty shall be imposed upon whosoever shall have made improper use of the mark

of an office of the public services, or used a counterfeit of the mark of an office of public services.

Art. 194.—Whosoever shall have, with intent to use the same, fraudulently counterfeited the seal or signature of another person, shall be punished with penal servitude for a period not exceeding three years.

The same penalty shall be imposed upon whosoever shall have made improper use of the seal or signature of another person, or used a counterfeit of the seal or signature of another person.

Art. 195.—Attempts to commit the offences mentioned in Par. 2 of Art. 191, Par. 2 of Art. 192, Par. 2 of Art. 193, and Par. 2 of the preceding Article, are punishable under the heading of “infractions not consummated.”

Art. 196.—Persons who have committed offences mentioned in this chapter, may be also sentenced to deprivation of civic rights and police surveillance.

## CHAPTER XX —OF PERJURY.

Art. 197.—Whosoever shall have made a false statement after having been sworn in as a witness in accordance with the provisions of Laws and Ordinances, shall be punished with penal servitude for a period not exceeding ten years.

Art. 198.—The punishments provided in the foregoing Article may be remitted either in whole or in part if the offender shall have retracted his false declaration prior to final and conclusive judgment being rendered or a disciplinary punishment being inflicted (as the case may be) in the case which his evidence affects.

Art. 199.—The provisions of the two preceding Articles apply to experts and interpreters who shall have (knowingly?) given false evidence, or made a false interpretation while under oath.

Art. 200.—Persons who have committed offences mentioned in this chapter, may be also sentenced to deprivation of civic rights.

## CHAPTER XXI.—OF FALSE ACCUSATION.

Art. 201.—Whosoever shall have made a false complaint or statement with the intention of procuring the criminal or disciplinary punishment of an innocent person, shall be punished in accordance with the provisions of Articles 197 and 200.

Art. 202.—Although a person may have committed the offence mentioned in the foregoing Article, if he voluntarily denounces himself and retracts his false accusation before the judgment becomes irrevocable, or the disciplinary punishment is given (as the case may be) in the case in which his false statement has been given, the punishment may be remitted either in whole or in part.

## CHAPTER XXII.—ON INDECENCY AND BIGAMY.

Art. 203.—Whosoever shall have publicly committed an indecent act shall be punished by the imposition of a police fine.

Art. 204.—Whosoever shall have published and distributed indecent (obscene) books, writings, pictures or other objects, or publicly exhibited or sold, or held same with the object of selling them, shall be punished with either ordinary or police fine not exceeding one hundred *yen*.

Art. 205.—Whosoever shall have committed an indecent act with violence or threats, or taking advantage of the weakness of mind or the incapability of resistance, against a person of either sex whose age exceeds twelve years, shall be punished with penal servitude for a period of more than one year and not exceeding seven years.

The same penalty shall be imposed upon whosoever shall have committed an indecent act against a child of either sex of less than twelve years of age.

Art. 206.—Whosoever shall have obtained carnal knowledge of a woman or a girl whose age exceeds 12 years by means of violence and threats, or taking advantage of mental derangement, loss of reason, or of incapacity to make resistance,

shall be adjudged guilty of rape and punished with penal servitude for a period of not less than three years.

Unlawful intercourse with a female child of less than twelve years of age shall be punished in the same manner.

Art. 207.—Attempts to commit the offences mentioned in the two preceding Articles are punishable under the heading of “infractions not consummated.”

Art. 208.—As regards the offences mentioned in Articles 205 and 206, the prosecution shall only take place on the complaint of the injured person.

Art. 209.—Whosoever shall have occasioned death or wounds owing to the committal off offences mentioned in Articles 205 and 206, shall be punished with penal servitude for life or for upwards of five years.

Art. 210.—Whosoever shall have, for the purpose of gain, urged and encouraged a virtuous woman or girl to commit fornication shall be punished with penal servitude for a period not exceeding three years or with a fine not exceeding five hundred *yen*.

Art. 211.—A married woman guilty of adultery, as well as her co-actor in the crime, shall be punished with penal servitude for a period not exceeding two years.

The prosecution for the offence mentioned in the preceding paragraph shall only take place on the complaint of the husband, but the complaint shall be of no effect if he has previously encouraged the aforesaid adultery.

Art. 212.—Whosoever, being lawfully married, shall have contracted another legal marriage shall be punished with penal servitude for a period of not exceeding two years. The same penalty shall be imposed upon the other party to the marriage.

Art. 213.—Persons who have committed offences mentioned in Articles 205, 206, and 209, may be also sentenced to deprivation of civic rights.

Persons who have committed offences mentioned in Article 210, and who in consequence are punishable with penal servitude, may also be sentenced to deprivation of civic rights and to police surveillance.

#### CHAPTER XXIII.—OF GAMBLING AND LOTTERIES.

Art. 214.—Whosoever shall have played, bet, or wagered, a valuable thing as a stake, with regard to a matter depending upon chance or contingency, shall be punished with penal servitude for a period not exceeding six months or an ordinary or police fine not exceeding three hundred *yen*. This provision does not, however, apply to a case where a mere article of momentary amusement or pleasure is wagered.

Art. 215.—Whosoever shall have made a regular practice of wagering or gaming shall be punished with penal servitude for a period not exceeding three years.

Whosoever shall have, for the sake of profit, opened a gaming house, or shall have formed an association of gamblers for the same purpose, shall be punished with penal servitude for a period not exceeding five years.

Art. 216.—Whosoever shall have, without being duly authorized, sold lottery tickets, shall be punished with penal servitude for a period not exceeding two years, or with a fine not exceeding one thousand *yen*.

Whosoever shall have acted as a medium or agent in selling lottery tickets shall be punished with penal servitude for a period not exceeding one year, or with a fine of five hundred *yen*.

Art. 217.—Whosoever shall have, without being duly authorised, purchased lottery tickets, shall be punished with a police fine.

Art. 218.—Persons who have committed any of the offences mentioned in this chapter and who are consequently punishable with penal servitude may also be placed under police surveillance.

CHAPTER XXIV.—OF OFFENCES RELATING TO  
PLACES OF RELIGIOUS WORSHIP AND  
CEMETERIES.

Art. 219.—Every person who shall have openly committed an insulting act against a shrine, temple, cemetery, or any place of religious worship, shall be punished with penal servitude for a period not exceeding six months, or with a fine not exceeding fifty *yen*.

The penalty shall be penal servitude for a period not exceeding one year, or a fine not exceeding one hundred *yen* if the offender has disturbed or interfered with the preaching, religious exercises, or a funeral.

Art. 220.—Whosoever shall have been found guilty of violation of interment shall be punished with penal servitude for a period not exceeding two years.

Art. 221.—Whosoever shall have mutilated, damaged, abandoned, or taken possession of the body, bones, or hair, of a deceased person, or any articles deposited in a coffin, shall be punished with penal servitude for a period not exceeding five years.

Art. 222.—Persons who shall have committed the offences mentioned in Art. 220, and thereby mutilated, damaged, abandoned, or taken possession of, the body, bones, or hair, of a deceased person, or any articles deposited in a coffin, shall be punished with penal servitude for a period not exceeding five years.

Art. 223.—Whosoever shall have, without being duly authorized, exhumed and re-interred a corpse shall be punished with an ordinary or police fine not exceeding fifty *yen*.

The same is applicable to a case where the interment of the body of a person who has died an unnatural death has been made without obtaining official inspection.

CHAPTER XXV.—OF OFFENCES COMMITTED BY  
PUBLIC SERVANTS IN THE EXERCISE OF  
THEIR FUNCTIONS.

Art. 224.—Every member of the public services who, acting in this capacity, shall have abused his power and shall have caused a person to commit an act for which he is not responsible, or shall have unduly hindered him from exercising his right, shall be punished with penal servitude or imprisonment for a period not exceeding six months.

Art. 225.—Every magistrate, prosecuting an official, or officer of police, or person acting in such capacity, or person acting as assistant to such official, who acting in his official capacity shall have abused his power and (illegally) arrested, taken into custody, or detained an individual shall be punished with penal servitude or with imprisonment for a period not exceeding five years.

Art. 226.—Every magistrate, prosecuting an official, or officer of police, or person acting in such capacity, or person acting as assistant to such official, who shall have used towards a criminal defendant prisoner or any detained person (under any circumstance) violence or bad treatment shall be punished with penal servitude or with imprisonment for a period not exceeding three years.

In case a person acting as gaoler or guard over prisoners detained in accordance with laws and ordinances shall have used towards such prisoners violence or bad treatment he shall be dealt with in the same manner.

Art. 227.—If, on account of the offences mentioned in the two preceding Articles, there has resulted death or wounds, the penalties for “wounding and (greivous) bodily harm” shall be compared with (those provided above) and the more severe penalty shall be inflicted.

Art. 228.—Every person who is acting as gaoler or guard over prisoners detained in accordance with laws and ordinances, and who, in case

of inundation, conflagration, hurricane, earthquake, or other extraordinary event (of a calamitous nature) shall have failed to take, or cause to be taken, the necessary steps to avoid disaster, and thus have caused death or wounds to the prisoners, shall be punished according to the provisions *re* "wounding and (grievous) bodily harm."

Art. 229.—Every member of the public services or arbitrator who shall have received or demanded bribes, or entered into an agreement to receive the same in connection with his official capacity and duties, shall be punished with penal servitude for a period not exceeding three years. Persons who have, in consequence, committed dishonest and improper acts, or not acted properly and befittingly, shall be punished with penal servitude for a period of more than one year and not exceeding ten years.

Under the circumstances foreseen in the preceding paragraph, should it be impossible to confiscate the whole or a portion of the amount of the bribe, the amount of such shortage shall be imposed upon the offender.

Art. 230.—Whosoever shall have given, offered, or agreed to give a bribe to any member of the public services or to an arbitrator shall be punished with penal servitude for a period not exceeding three years, or a fine of not exceeding three hundred *yen*.

Persons who have committed the offences mentioned in the preceding paragraph, but have given up themselves prior to official cognizance being taken of such offences, shall be exempted from the penalties provided. With regard to those who have confessed or acknowledged their offences prior to the judgment becoming irrevocable, the penalty may be remitted either in whole or in part.

Art. 231.—Every member of the public services or arbitrator who has in connection with his official function been guilty of a dishonestly improper act, or of not acting properly and befittingly owing to favoritism or hatred, shall be punished

with penal servitude or imprisonment for a period not exceeding five years.

Art. 232.—Every member of the public services or arbitrator, who for his own advantage, or for the sake of conferring an advantage on some other person, shall have divulged the secrets of his office, shall be punished with penal servitude for a period not exceeding three years.

Art. 233.—Persons who have committed any of the offences mentioned in the four preceding Articles, and who are in consequence punishable with penal servitude, may also be sentenced to deprivation of civic rights.

#### CHAPTER XXVI.—HOMICIDE.

Art. 234.—Whosoever shall have killed another shall be sentenced to death, perpetual penal servitude, or penal servitude for a period not exceeding five years.

Art. 235.—Whosoever shall have killed his (or her) own or his wife's (or her) husband's direct ancestor (as the case may be), shall be punished with death or perpetual penal servitude.

Art. 236.—Attempts to commit the offences mentioned in the two preceding Articles shall be punished as "infractions not consummated."

Art. 237.—Persons who have made preparations with intent to kill another person, shall be punished with penal servitude for a period not exceeding one year. Provided, however, that, according to the circumstances of the case, the principal penalty may be remitted in full and the offender placed under police surveillance.

Art. 238.—He who shall have instigated and caused a person to commit suicide, or shall have killed him at his solicitation or upon his consent, shall be punished with penal servitude or imprisonment for a period not exceeding seven years.

Art. 239.—Persons who have committed any of the offences mentioned in this chapter may also be sentenced to deprivation of civic rights.

Those who have committed offences mentioned

in this chapter and who are punishable with limited penal servitude may also be placed under police surveillance.

# CHAPTER XXVII.—WOUNDING AND (GRIEVOUS) BODILY HARM.

Art. 240.—Whosoever shall have wounded and injured or inflicted any (grievous) bodily harm upon any other person, shall be punished with penal servitude for a period not exceeding five years or with an ordinary or police fine not exceeding one hundred *yen*.

Those who have cut off or damaged the hair of a girl or woman shall be punished with penal servitude for a period not exceeding one year or with an ordinary or police fine not exceeding fifty *yen*.

Art. 241.—When the following effects have resulted from bodily harm inflicted, the punishment shall be penal servitude for a period exceeding two years and not exceeding ten years :—

1. Loss of the sight of one eye or both eyes :
2. Loss of the hearing of one ear or both ears :
3. Loss of speech :
4. Loss of the use of one or more limbs :
5. Loss of the use of the sexual organs :
6. Serious and incurable mental or bodily disease or exterior deformity :
7. Miscarriage.

Art. 242.—Whosoever shall have caused the death of a person by means of wounding or inflicting any grievous harm, shall be punished with penal servitude for a period not exceeding three years.

When the offence has been committed against his or her own or his wife's or her husband's ancestors (as the case may be), the punishment shall be penal servitude for life or for upwards of five years.

Art. 243.—In the event of any of the offences

mentioned in the three preceding Articles being committed, any person present who shall have aided or abetted the perpetrator (even although he personably may not have been guilty of inflicting injuries) shall be punished with penal servitude for a period not exceeding one year, or an ordinary or police fine exceeding fifty *yen*.

Art. 244.—If the violence has been committed by two or more persons, and it is not possible to find out the gravity of the wound or bodily harm committed by each of the offenders or which of the perpetrators has inflicted such wound or bodily harm, they shall be dealt with according to the provisions relating to the “co-operation of several persons in the same offence” even although no conspiracy existed between them.

Art. 245.—Persons who have been guilty of assault (violent conduct) without going to the length of actual wounding or inflicting bodily harm, shall be punished with detention or police fine.

The prosecution for the offence mentioned in the preceding par. shall only take place on the complaint of the injured party.

#### CHAPER XXVIII.—OF INVOLUNTARY HOMICIDE, BLOWS, OR WOUNDS.

Art. 246.—Whosoever, by negligence, shall have caused wounding or bodily harm, shall be punished with an ordinary or police fine not exceeding one hundred *yen*.

The prosecution for the offence mentioned in the preceding paragraph shall only take place on the complaint of the injured party.

Art. 247.—Whosoever, by negligence, shall have (involuntarily) committed homicide shall be punished with a fine not exceeding three hundred *yen*.

Art. 248.—Whosoever, by reason of a dereliction of duty and failure to take necessary precautions in connection with his specific functions, shall have (involuntarily) committed homicide or

caused wounds and bodily injury, shall be punished with imprisonment for a period not exceeding three years, or with a fine not exceeding five hundred *yen*.

#### CHAPTER XXIX.—OF ABORTION.

Art. 249.—Every woman enceinte who shall have procured abortion by the administration of drugs or by the aid of any other means shall be punished with penal servitude for a period not exceeding one year.

Art. 250.—Whosoever shall have procured abortion for a woman at the request or upon the consent of the said woman, shall be punished with penal servitude for a period not exceeding two years.

Whosoever has thereby caused death or injury to the woman shall be punished with penal servitude for a period not exceeding five years.

Art. 251.—Any doctor, midwife, chemist or druggist, who shall have procured abortion for a woman either at her request or with her consent shall be punished with penal servitude for a period not exceeding five years; and should death or injury have thereby been caused to the woman, the penalty shall be penal servitude for a period of not exceeding seven years.

Art. 252.—Whosoever shall have procured abortion for a woman neither at her request nor with her consent, shall be punished with penal servitude for a period not exceeding seven years.

Attempts to commit the offence mentioned in the preceding paragraph are punishable under the heading of "Infractions not consummated."

Art. 253.—When a person has committed the offence mentioned in the preceding article, and thereby caused death or injury to a woman, the provisions relating to the offences of wounding and grievous bodily harm shall be compared with, and the case decided according to the most severe of the two laws.

CHAPTER XXX.—OF ABANDONING CHILDREN,  
THE AGED, OR SICK.

Art. 254.—Whosoever shall have abandoned or deserted a child, aged person, or a person who requires assistance owing to sickness, shall be punished with penal servitude for a period not exceeding three years.

Art. 255.—Whosoever, being charged with the responsibility of protecting an old person, a child, or a sick person, abandons, or deserts his charges, or fails to afford them protection necessary to the preservation of their lives, shall be punished with penal servitude for a period of not exceeding five years.

Every person who has been guilty of the same offences vis-à-vis his or her or his wife's or her husband's direct ancestors, shall be punished with penal servitude for a period of not less than one year and not exceeding seven years.

Art. 256.—Persons who have been guilty of the offences mentioned in the two preceding articles, and thereby caused death or bodily injury to individuals, shall be punished by comparing the provisions of this chapter with those applicable to wounding and grievous bodily harm and inflicting the most severe of the possible penalties.

Art. 257.—Whosoever shall have discovered an old person, young child, or sick person who is in need of succour, and, without reasonable cause, shall not have rescued him or reported the matter to the proper authorities, shall be punished with police fine.

CHAPTER XXXI.—OF ILLEGAL ARREST AND  
FALSE IMPRISONMENT.

Art. 258.—Every individual who shall have arbitrarily and illegally arrested or imprisoned a person shall be punished with penal servitude for a period of not exceeding five years.

Should the same offence have been committed against one's own or one's wife's or husband's

direct ancestors (as the case may be) the penalty shall be penal servitude for a period of not less than one year and not exceeding seven years.

Art. 259.—If by reason of the committal of the offences mentioned in the preceding article death or injury shall have been occasioned, the penalties for wounding and grievous bodily harm shall be compared with those provided herein and the case decided in accordance with the most severe of the provisions.

#### CHAPTER XXXII.—OF THREATS.

Art. 260.—Whosoever shall be found guilty of having used threats to do injury to life, person, liberty, reputation or property shall be punished with penal servitude for a period of not exceeding one year, or a fine of not exceeding one hundred *yen*.

Threats are also punishable in like manner when injury is threatened to the life, person, liberty, reputation, or property of the relations of the person who has been threatened.

Art. 261.—Whosoever shall have committed violent conduct, or have made threats of injury to the life, person, liberty, reputation, or property of an individual, and by means of such violence or threats shall have caused a person to do an act which he had no obligation to do, or hindered from doing an act which he had a lawful right to perform, shall be punished with penal servitude for a period not exceeding three years.

The same applies to threats against the life, person, liberty reputation, or property of a person's relations, by means of which he is caused to do an act which he is under no obligation to do, or hindered from doing an act which he has a lawful right to perform.

Attempts to commit the offences mentioned in the two preceeding paragraphs are punishable under the heading of "Infractions not consummated."

CHAPTER XXXIII.—OF ABDUCTION, KIDNAPPING, AND ALLURING.

Art. 262.—Whosoever shall have allured or taken away any minor without the sanction of his or her father or mother, or other person having the lawful care or charge of such minor, shall be punished with penal servitude for a period of not exceeding five years.

The same penalty shall be inflicted upon whosoever shall have, by force or fraudulent stratagem, obtained the consent of a (minor's) father, mother, or curator, and kidnapped (the said minor).

Should the acts mentioned in the two preceeding paragraphs be committed for the purpose of gain or for an indecent purpose or with the object of marriage, the penalty shall be penal servitude for a period not less than two years and not exceeding ten years.

Art. 163.—Whosoever shall have for the purpose of profit or for an indecent purpose or with the object of contracting marriage, kidnapped a person by means of force or fraudulent stratagem, shall be punished with penal servitude for a period of not less than two years and not exceeding ten years.

Art. 264.—Persons who shall have, with the intent to aid the abducer, harboured a person who has been kidnapped or caused him to be hidden to elude (detection?), shall be punished with penal servitude for a period not exceeding five years.

Whosoever shall have, for the purpose of profit or for an indecent purpose, received a person who has been kidnapped shall be punished with penal servitude for a period not exceeding seven years.

Art. 265.—The prosecution of offences in the three preceding articles shall, except those cases where such offences have been committed for the purpose of profiting thereby, only take place on the complaint of the injured party; but, if the person kidnapped has actually contracted a

marriage, he or she cannot lodge a valid complaint until after the marriage has been cancelled or declared incomplete or invalid by the irrevocable judgment of a Court of Law.

Art. 266.—Whosoever shall have, for the purpose of transporting him or her out of the Empire, committed the offences mentioned in Pars. 1 and 2 of Article 262, or kidnapped a person by force or fraudulent stratagem, shall be punished with limited penal servitude for a period exceeding three years.

The same penalty shall be inflicted upon whosoever shall have, with intent to convey him or her out of the Empire, sold a person or transported to a foreign country a person who has been sold or kidnapped.

Art. 267.—Attempts to commit the offences mentioned in this chapter are punishable under the heading of “Infractions not consummated.”

Art. 268.—Persons who shall have committed the offences mentioned in this chapter may also be deprived of their civic rights.

#### CHAPTER XXXIV.—OF LIBEL AND INDICTABLE SLANDER.

Art. 269.—Whoever shall have injured the reputation of a person by publicly imputing to him evil acts or disgraceful conduct, shall, irrespective of the fact as to whether the statement relative to the deed or vice imputed to the person is true or false, be punished with penal servitude or imprisonment for a period not exceeding six months, or fine of not exceeding one hundred *yen*.

A person who has injured the reputation of the dead is not punishable, except when such injury has arisen in consequence of a false accusation.

Art. 270.—Whosoever shall have publicly insulted and reviled a person shall be punished with detention or police fine, even although he may not have (actually) imputed dishonourable acts or disgraceful conduct to such person.

Art. 271.—The prosecution for offences men-

tioned in this chapter shall only take place on the complaint of the offended party.

#### CHAPTER XXXV.—OF ROBBERY AND THEFT.

Art. 272.—Whosoever shall have stolen the personal effects of another shall be adjudged guilty of larceny and punished with penal servitude for a period not exceeding ten years.

Art. 273.—Whosoever shall have forcibly taken away the personal property of any individual by means of acts of violence or by the aid of threats, injury to the life, person, liberty, or property of another, or to the life, person, liberty, or property of a third party whom the person threatened is bound to assist and protect, shall be adjudged guilty of robbery and punished with limited penal servitude for a period of not less than three years.

Persons who have unlawfully acquired pecuniary advantages by the means mentioned in the preceding paragraph, or have caused third parties to do so, shall be punished in the same manner.

Art. 274.—Whosoever shall have made preparations with the intent to commit robbery shall be punished with penal servitude for a period not exceeding one year, but he may, according to the circumstances of the case, be released from the principal penalty and placed under police surveillance.

Art. 275.—A thief who shall have, after acquiring valuable effects, unexpectedly committed acts of violence or threatening for the purpose of preventing their recovery, escaping arrest, or destroying evidence, shall be adjudged guilty of robbery.

Art. 276.—Whosoever shall have committed larceny by the aid of a suspension of will (caused by the use of a narcotic, or by any other means) shall be considered as guilty of robbery.

Art. 277.—Should the robber have wounded any person he shall be punished with perpetual penal servitude, or with penal servitude for a period of not less than five years ; and if there has been homicide the penalty shall be death or perpetual penal servitude.

Art. 278.—If the rape of a woman has been committed on the occasion of a robbery, the penalty shall be perpetual penal servitude, or penal servitude for a period not less than five years; and should death have been occasioned therefrom, the penalty shall be death or perpetual penal servitude.

Art. 279.—Whosoever shall have by means of intimidation other than those mentioned in Article 273, forcibly taken away the personal property of an individual, shall be punished with penal servitude for a period not exceeding ten years.

The same shall be applied to those who shall have unlawfully acquired or caused others to acquire pecuniary advantages by the means mentioned in the preceding paragraph.

Art. 280.—Whosoever shall have deceived an individual, and thereby obtained personal property under false pretences, shall be punished with penal servitude for a period not exceeding ten years.

Whosoever shall have unlawfully acquired any pecuniary advantages by the means mentioned in the preceding paragraph, or have caused third parties to do so, shall be punished in same manner.

Art. 281.—Whosoever shall have caused loss or damage to another person, on whose behalf the former is managing the business of the latter, or shall have committed any acts contrary to his duties with the intent to obtain profit for his own or any third parties, causing accordingly to his principal any pecuniary loss or damage shall be punished with penal servitude for a period not exceeding ten years.

Art. 282.—Whosoever shall have taken advantage of the inexperience of a minor or of the weakness of mind of another person, and caused to be delivered any property, or shall have unlawfully acquired any pecuniary advantages, or have caused third parties to do so, shall be punished with penal servitude for a period not exceeding seven years.

Art. 283.—Whosoever shall have with the intent to commit offences mentioned in Article 272, 273, 276, and 279, committed offences mentioned in Article 152 or 153, shall be punished with penal servitude for a period not exceeding seven years.

Art. 284.—Offences mentioned in Article 272 of the five preceding articles shall be free from punishment when they shall have been committed among relations in a direct line or among relations living together; and in the case of other relations no action shall be taken unless a complaint is lodged by the injured party.

The above example is not applicable to co-actors who have no relation with the injured party.

Art. 285.—Even though the property may be that of the offender himself, if such property be hypothecated, or under lien to third persons in a manner investing them with possessory rights, or if it be under the guard of another person in consequence of orders issued by the offices of the public services, it shall be considered as the property of another person.

Art. 286.—Attempts to commit the offences mentioned in this chapter are punishable under the heading "Infractions not consummated"; but the offence mentioned in article 274 shall not come under this rule.

Art. 287.—Every person who shall have committed the offences mentioned in this chapter may be additionally sentenced to deprivation of civic rights.

Persons who shall have committed the offences mentioned in this chapter and consequently are punishable with limited penal servitude may also be placed under police surveillance.

#### CHAPTER XXXVI.—EMBEZZLEMENT.

Art. 288.—Whosoever shall have unlawfully appropriated articles or objects which he holds on behalf of another person, shall be punished

with penal servitude for a period not exceeding five years.

Even though the property may actually appertain to the offender himself, should he take or apply it to his own use after being ordered by the offices of the public services to hold the objects in trust, the same penalty is applicable.\*

Art. 289.—Whosoever shall have unlawfully taken or applied to his own use articles or objects which shall have been entrusted to him in the course of his business or professional duties, shall be punished with penal servitude for a period exceeding two years and not exceeding ten years.

Persons who have committed the offences mentioned in the preceding paragraph may be sentenced to deprivation of civic rights and placed under police surveillance.

Art. 290.—Whosoever shall have obtained possession of lost articles, floating objects (as from a shipwreck), or other articles belonging to another, and shall have appropriated the same, shall be punished either with penal servitude for a period not exceeding three years, ordinary fine, or a police fine of not exceeding one hundred yen.

Art. 291.—The provisions of article 284 are applicable to offences mentioned in this chapter.

#### CHAPTER XXXVII.—OF OFFENCES RELATING TO OBJECTS STOLEN OR EMBEZZLED.

Art. 292.—Whosoever shall have received and accepted objects obtained by means of offences committed shall be punished with penal servitude for a period of not exceeding five years.

Any person who shall have been found guilty of transmitting, depositing, or otherwise disposing of stolen goods, or of acting as a depository of the same, shall be punished with penal servitude for a period not exceeding ten years, or a fine not exceeding five hundred yen.

Art. 293.—Persons who shall have committed offences mentioned in the preceding article may be deprived of civic rights and placed under police surveillance.

Art 294.—Offences mentioned in Article 292 shall be free from punishment when they shall have been committed among relations in a direct line, relations living together, or their husbands or wives (as the case may be).

The example mentioned in the foregoing paragraph is not applicable to any co-actors having no relations with the injured party.

#### CHAPTER XXXVIII.—INJURIES TO PROPERTY.

Art. 295.—Whosoever shall have destroyed documents belong to an office of the public services, shall be punished with penal servitude for a period of not exceeding seven years.

Art. 296.—Whosoever shall have destroyed documents relative to rights and obligations belonging to another, shall be punished with penal servitude for a period not exceeding three years ; but the prosecution shall only take place on the complaint of the injured party.

Art. 297.—Whosoever shall have unlawfully destroyed or injured buildings, boats or ships belonging to another shall be punished with penal servitude for a period not exceeding five years ; if there has resulted death or bodily injuries, the penalties for “Wounding and (grievous) bodily harm” shall be applied, each time that they are more severe than the preceding.

Art. 298.—If any objects other than those mentioned in the three preceding Articles, are destroyed or injured, the penalty shall be penal servitude for a period not exceeding two years or either ordinary or police fine of not exceeding two hundred yen ; but the prosecution shall only take place on the complaint of the injured person.

Art. 299.—Even when the property destroyed or injured actually belongs to the offender, if it be under attachment, or a right in rem, or if it be rented, or insured, the provisions of the three preceding articles are applicable.

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